

REMARKS

The drawings of this application stand objected to under 37 CFR 1.83(a) as failing to depict features recited in the claims. In particular, the Examiner alleged that the recited “determining means,” “specifying means” and “calculating means” of claim 1 are not depicted in the drawings.

Applicants hereby amend claim 1 to recite a “determiner,” “specifier” and “calculator” rather than a “determining means,” “specifying means” and “calculating means.” The claimed determiner, specifier, and calculator are respectively described by the flowchart diagrams of this application, for example, in S75-S87 of Fig. 8; S131-139 of Fig. 10; and S141 of Fig. 10. Accordingly, applicants respectfully request the Examiner to withdraw this rejection.

Claims 1 and 4-8 stand rejected under 35 USC 112, second paragraph, as being indefinite. In particular, alleging that the specification fails to disclose the corresponding structures for the recited “determining means,” “specifying means” and “calculating means,” the Examiner requested applicants to either (1) amend the claims so that they will no longer recite means plus function limitations or (2) amend the written description (Action, p. 4, ll. 5-15). As stated above, applicants hereby amend claim 1 to recite “determiner,” “specifier” and “calculator.” Thus, claim 1 no longer recites means-plus-function limitations.

The definiteness of the claim language relates to whether the claim language meets the threshold requirements of clarity and precision as to serve its notice function, and it is determined in light of the disclosure of the application and in view of the understanding of those skilled in the art at the time of the invention. MPEP 2173.02.

U.S. Patent Application Serial No. **10/501,331**
Amendment filed August 31, 2009
Reply to OA dated June 15, 2009

The specification of this application provides written descriptions for the recited “determiner” in, for example, page 15, lines 5-25, of the specification. Further, an embodiment of claimed determiner is described, for example, in S75-S87 of Fig. 8. These descriptions are sufficient to inform those skilled in the art what is meant by the term “determiner.” Thus, the term “determiner” is not indefinite.

Likewise, the description for the recited “specifier” can be found on page 16, line 13, to page 17, line 2, of the specification, and in S131-139 of Fig. 10 of this application. The description for the recited “calculator” can be found on page 17, lines 3-7, of the specification, and in S141 of Fig. 10 of this application. These descriptions are sufficient to aid those skilled in the art to understand the meaning of the terms “specifier” and “calculator.” Thus, the terms “determiner,” “specifier” and “calculator” are not indefinite. Accordingly, applicants respectfully request the Examiner to withdraw this rejection.

There are no other outstanding rejections in this application. Accordingly, applicants respectfully request an early action allowing the pending claims of this application.

If the Examiner believes the prosecution of this application may be expedited by holding a telephone conference, the Examiner is invited to telephone the undersigned attorney at the number provided below.

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In the event that this paper is not timely filed, applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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